

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3583 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GANDAJI N MAKWANA

Versus

ADDL DEVELOPMENT COMMISSIONER

Appearance:

MR PM THAKKAR for Petitioner
MR. K.T. DAVE, AGP, for the respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/07/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution challenge was levelled against the order under Section 49(1) of the Gujarat Panchayats Act, 1961 (hereinafter referred to as 'the Act') for removing the petitioner from the office of Sarpanch of village Karol Tal. Prantij. The impugned order was passed by the

District Development Officer, Sabarkantha, on 2.2.1991. The petitioner's appeal was dismissed on 20.4.1991. During pendency of the appeal there was stay of operation of the impugned order of removal. While issuing notice, this court granted ad-interim direction to maintain status quo which direction came to be continued from time to time. Ultimately, on 25.11.1991 while admitting this petition this court had confirmed the interim order till final disposal of the petition. When the matter has reached hearing today, learned counsel for the petitioner points out that the term of office of the petitioner in the office of Sarpanch has already come to an end. Therefore, this petition has become infructuous.

In view of the above development, the petition is dismissed as infructuous. Rule is discharged with no order as to costs.

(M.S. SHAH, J)

(pkn)